



# **North Carolina General Assembly**

## **ENVIRONMENTAL REVIEW COMMISSION**

### **MINUTES**

May 11, 2010

10:00 a.m.

Room 643

Legislative Office Building

### **Welcome, Attendance, and Regular Commission Business**

The Environmental Review Commission of the North Carolina General Assembly met Tuesday, May 11, 2010 in Room 643 of the Legislative Office Building. Co-chair Pryor Gibson presided. In attendance with the presiding Co-chair were Co-chair Pricey Harrison, Co-chair Bob Atwater, Co-chair Dan Clodfelter, Senators Ellie Kinnaird, Floyd McKissick, A. B. Swindell, Stan Bingham, and Katie Dorsett and Representatives Carolyn Justice, Ruth Samuelson, Russell E. Tucker, Edith Warren, and Cullie Tarleton. Advisory Members Representative Alice Graham Underhill and Senator Fletcher Hartsell were also in attendance.

Staff present was Commission Counsel Jeffrey Hudson, Commission Counsel Jennifer McGinnis, Commission Counsel Tim Dodge, Commission Analyst Jennifer Mundt, Commission Assistant Mariah Matheson, and Commission Clerk Jessica Kozma Proctor.

A meeting notice was electronically distributed to members, staff, and interested parties May 7, 2010. A draft agenda was also sent to members May 10, 2010.

Co-chair Gibson welcomed Commission members, staff and guests. He then recognized newly appointed Co-chair Pricey Harrison. The presiding Co-chair then called for comments from his fellow Co-Chairmen. Co-chair Atwater thanked Co-chair Gibson for presiding as Co-chair Atwater was unable to preside due to a scheduling conflict. Co-chair Gibson then recognized Commission Counsel McGinnis, who reviewed the day's agenda. She noted that minutes were prepared, distributed, and ready for approval by members. Minutes from the April meeting were then approved by unanimous vote.

### **Interim Report of continuing Water Allocation Study**

**Richard B. Whisnant, Associate Professor of Public Law and Government**  
**University of North Carolina School of Government**

Mr. Richard M. Whisnant, Associate Professor of Public Law and Government at the University of North Carolina School of Government, was recognized by Co-chair Gibson. Mr. Whisnant began saying that although water allocation was “no longer a priority, that future water policy needed to be under discussion.” He noted past water allocation hearings across the State, acknowledging that legislative members such as Representative Carolyn Justice attended.

Mr. Whisnant continued going through a presentation which is attached to the minutes. In his presentation Mr. Whisnant discussed examples of individual people’s efforts to reduce home water use. He also discussed his plans to continue visiting large water systems, using the State of Delaware as an example.

Mr. Whisnant ended his report by saying that, in his opinion, ongoing progress was needed to better address water issues for the State. Finishing his presentation, Co-chair Gibson recognized Representative Samuelson, who asked if future meetings on water allocation could be held in a webinar format. Mr. Whisnant said he would find out whether they could. Advisory Member Hartsell was recognized to thank Mr. Whisnant.

A copy of Mr. Whisnant's presentation may be found at:  
<http://www.ncleg.net/documents/sites/committees/ERC/2009-2010%20ERC%20Documents/May%2011,%202010/Handouts%20and%20presentations/2010-0430%20Interim%20Rpt%20Water%20Allocation%20Study.pdf>

Co-chair Gibson then instructed staff and Commission members that the Commission would review legislative proposals.

### **Consideration of legislative proposals**

A. Improve River Basin Modeling: Mr. Hudson discussed the proposed legislation, noting that this proposal would “develop more robust models for legislators to plan on.” Co-chair Clodfelter motioned for adoption; the motion was seconded by Co-chair Harrison. The motion carried unanimously.

B. Amend IBT Enforcement and Notice: Mr. Hudson discussed provisions regarding interbasin transfer. This included one provision to amending IBT statutes to include all river basins. Another provision included was to create changes in the notification process of those seeking an IBT certificate. Representative Tarleton motioned for adoption, seconded by Co-chair Clodfelter. The motion carried unanimously.

C. Clean Marinas Amendments: Ms. McGinnis explained the proposed legislation, noting that the proposed legislation would roll back an effective date. Representative Justice commented that the proposal “was such a good bill” and then motioned for adoption; seconded by Co-chair Clodfelter. The motion passed by unanimous vote.

D. UST Operator Training Program: Ms. McGinnis reviewed the proposed legislation. Representative Tarleton motioned for adoption; seconded by Co-chair Clodfelter. The motion carried unanimously.

E. Amend Electronics Recycling Requirements: with little discussion, the proposed legislation was motioned for adoption by Co-chair Harrison and seconded by Co-chair Clodfelter. The motioned carried unanimously.

F. Extend Zoological Park Funding and Organization Study Committee: Representative Warren was recognized, who commented that she “was looking forward to working on the bill.” Ms. McGinnis explained the proposed legislation. Representative Warren motioned for adoption; seconded by Representative Samuelson. The motion carried unanimously.

G. Environmental Technical Corrections: Ms. Mundt explained the bill draft. Co-chair Harrison motioned for adoption; seconded by Co-chair Clodfelter. The motion carried unanimously.

H. Environmental Reports Consolidation: Ms. Mundt explained the bill draft. The proposed legislation was motioned for adoption by Co-chair Harrison and seconded by Representative Tarleton. The motioned carried unanimously.

I. Amend Environmental Laws: Ms. Mundt explained the amendments to current environmental laws. Co-chair Harrison motioned for adoption to the proposed legislation; Representative Tarleton seconded the motion. The motion carried by unanimous vote.

A copy of the draft interim report of the Commission may be found at:  
<http://www.ncleg.net/documentsites/committees/ERC/2009-2010%20ERC%20Documents/May%2011,%202010/Handouts%20and%20presentations/2010-0511%20ERC%20Final%20Report%20-%20draft.pdf>

After hearing the legislative proposals, Co-chair Gibson asked for a motion to include all of the proposals in the Commission’s Interim Report. This motion was then made by Co-chair Clodfelter and provided staff the authority to make technical changes to the report as necessary. The motion passed unanimously.

The meeting was then adjourned at 11:20 a.m. by Co-chair Gibson. The presiding Co-chair wished members well for the 2010 Legislative Session.

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Co-chair Pryor Gibson  
Presiding

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Co-chair Bob Atwater

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Jessica Kozma Proctor  
Commission Clerk